

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**MSE DISTRIBUTING, INC., AUTOLADY, INC.,
and JOHN SULLIVAN d/b/a GMF ENTERPRISES, INC.,**

Plaintiffs,

vs.

Civil No. 10-880 RLP/WDS

SOUTHWEST REINSURE, INC.,

Defendant

Consolidated with

**SOUTHWEST RE, INC., and
SOUTHWEST REINSURE, INC.,**

Plaintiff,

vs.

Civil No. 10-935 MCA/LFG

**MSE DISTRIBUTING, INC., AUTOLADY, INC.,
and JOHN SULLIVAN d/b/a GMF ENTERPRISES, INC.,**

Defendants.

ORDER OF CONSOLIDATION

The Court has considered the Motion filed by Southwest Re Inc., and Southwest Reinsure, Inc. to consolidate *MSE Distributing Inc., et al., vs. Southwest Reinsure Inc.*, Civil No. 10-880 RLP/WDS and *Southwest Re, Inc., v. MSE Distributing, Inc.*, Civ. No. 10cv935 MCA/LFG and the Response by MSE Distributing, Inc., Autolady, Inc., and John Sullivan, d/b/a GMF Enterprises that the Motion is not opposed. (Docket No. 12, 13 and 17). The Court **FINDS** that the cases involve common questions of law and fact in that both cases arise out of the same incident and involve the same parties, who are represented by the same attorneys. Pursuant to Fed. R. Civ. P. 42(a), the Court finds that the cases should therefore be consolidated into one proceeding for all purposes,

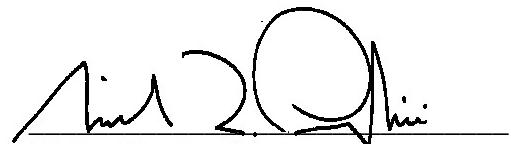
including pretrial and trial.

IT IS THEREFORE ORDERED that the Motion to Consolidate (Docket No. 12) is hereby granted, and the consolidated case shall be assigned the case number of the first filed case, Civil No. 10-880 RLP/WDS.

The first filed case, 10cv880 RLP/WDS, was assigned to the undersigned to serve as presiding judge pursuant to 28 U.S.C. §636(c) and Fed. R. Civ. P. 73(b) and the parties have consented to have me act as presiding judge in that case. (Docket Nos. 6 and 8).

IT IS FURTHER ORDERED the parties shall provide notice of consent or refusal to consent to proceed before a Magistrate Judge in the consolidated matter on or before *November 19th, 2010*.

IT IS SO ORDERED.



Richard L. Puglisi
Chief United States Magistrate Judge